IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE C.V.RAMULU**

**WRIT PETITION NO : 11723 of 1998**

Between:

Warden, Backward Hostel, Near Luthern High School,
Narasaraopet, Guntur Dist.

**..... PETITIONER**

AND

1 Annapareddy Bitchalu, S/o Yerraiah,
R/o Ramireddy Thota, 3rd lane,
Guntur.
2 The Presiding Officer,
Labour Court, Guntur.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ order or direction more particularly in the nature of Writ of Certiorari calling for the records in respect of I.D.No.496 of 1991 dt: 2-9-1997 on the file of the Labour Court, Guntur and quash the same, by declaring as illegal, arbitrary and without jurisdiction.

**Counsel for the Petitioner: GP FOR SOCIAL WELFARE**

**Counsel for the Respondent No.1: MR.K.VISWANATHAM**

**Counsel for the Respondent No.2: G.P. FOR LABOUR**

**The Court made the following :**

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**ORDER:**

This writ petition is filed by the Warden, Backward Class Hostel, near Luthern High School, Narasaraopet, Guntur District, (Management), being aggrieved by the award passed by the Labour Court at Guntur in I.D.No.496 of 1991 dated 02-09-1997.

2. The first respondent herein filed I.D.No.496 of 1991 before the labour Court at Guntur under Section 2-A (2) of the Industrial Disputes Act seeking to set aside the removal order dated 12-09-1975 and to reinstate him into service with back wages, continuity of service and all attendant benefits. The application was resisted by filing the counter by the petitioner-management denying all the allegations made by him. It was stated that neither appointment order was given nor termination order was passed by the Warden or any competent authority against the claimant and claimant has worked as Kamati from 10-03-1974 to 30-07-1975 on consolidated pay of Rs.100/- per month and his wages were paid only for the days on which he attended for the work. Further, it is stated that the claim petition was belated one, since it is filed after more than 17 years from the date of termination of the service. Before the labour Court, the workman examined himself as W.W.1 and on behalf of the management M.W.1 and M.W.2 were examined. Further, on behalf of workman Ex.W1 document and on behalf of the management Ex.M1 document was marked. After appreciation of both oral and documentary evidence, the labour Court noticed that as per the entries in Ex.M1 and attendance registers and also as admitted by the management witness, the respondent-workman worked continuously from 10-03-1974 to July 1975. The Sundays and public holidays are to be counted for the continuous service of 240 days in the preceding twelve months from the date of removal of service. The labour Court also further noticed that it is the plea of the

management that the appointment of the workman was illegal since the management has no authority to appoint and the proper authority is the Joint Collector or the B.C. Welfare Officer. However, no documentary evidence was filed before the labour Court to substantiate the contention that the appointment was irregular etc. Since it is an admitted fact that the workman worked for more than 240 days, the labour Court came to the conclusion that the management had blatantly violated the provisions of Section 25-F of the Industrial Disputes Act and as such directed the reinstatement of the workman into service with continuity of service. Since the workman approached the labour Court with an abnormal delay, the labour Court found that the denial of the wages is appropriate and that no wages were granted for the period the workman was out of service. The award was passed directing the reinstatement of the petitioner into service with continuity of service but without back wages.

3. Though at the time of admission no stay was granted in the writ petition, thereafter it was reported by the petitioner-management that steps are being taken to reinstate the respondent No.1 into service. May be there was some delay on the part of the first respondent-workman in approaching the labour Court seeking relief, but however, the labour Court found that there was blatant violation of the provisions of Section 25-F of the Industrial Disputes Act by the petitioner-management and granted the said relief denying the back wages for the entire period for which he was out of service, to meet the ends of justice. I am of the considered opinion that the award passed by the labour Court does not suffer from any infirmities requiring interference of this Court under Article 226 of the constitution of India. The Writ Petition is devoid of merit and is liable to be dismissed.

4. Accordingly, the writ petition is dismissed. No order as to costs.

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C.V.RAMULU, J.

Dated 10-06-2005.

SKMR

..... REGISTRAR

Copy to:

1. The Presiding Officer,
   Labour Court, Guntur.

2. 2 CCs to G.P. for Social Welfare, High Court Buildings, Hyderabad (OUT).

3. 2 CCs to G.P. for Labour, High Court Buildings, Hyderabad, (OUT).

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